IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1578 OF 2006
IN
FIRST APPEAL NO.583 OF 2006

The State of Maharashtra ...Appellant
Vs.

Radha Bhimaji Gaikwad
(Since deceased) through
his heirs & Ors. ...Respondents

Mr Nakhawa, A.G.P. for the Appellant.
None for the Respondents.

CORAM : A. S. OKA, J.
DATE : MARCH 28, 2006.

P.C.:

1. Heard the learned A.G.P. appearing for the Applicant. The challenge in the First Appeal is to an award made under section 18 of the Land Acquisition Act, 1894. The Applicant/Appellant is not entitled to stay of execution of the award unless the entire amount covered by the award is deposited with the Reference Court. If the amount is deposited original claimants are entitled to withdraw the same on furnishing the security to the satisfaction of the Reference Court.

2. Hence, I pass the following order:

(i) There will be interim relief in terms of prayer

clause (b) subject to condition that the Applicant-State of Maharashtra will deposit the entire amount due and payable under the impugned judgment and award with the Reference Court within period of 12 weeks from today.

(ii) If the amount is not deposited, the interim relief granted in terms of prayer clause (b) will stand vacated without further reference to this court.

(iii) If the amount is deposited, the original claimants will be permitted to withdraw the said amount on furnishing security to the satisfaction of the Reference Court.

(iv) Civil Application is disposed of in above terms.

(v) As this order is passed without notice to the Respondents, they will be at liberty to apply for modification of this order by taking out appropriate application.

JUDGE